

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

SEP 4 - 2002

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No.: CHCB-003-0006B

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ELIZABETH M. MARTINEZ
GILBERT J. MARTINEZ

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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AUG 26 2002

OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: ALTO DITCH

Location X: 1,578,556 feet **Y:** 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 2.5 acres

Total 2.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-003-0006B.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: ALTO DITCH

Location X: 1,578,556 feet **Y:** 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 35, Township 27N, Range 04E, N.M.P.M.

| | |
|---------|-----------|
| Pt. NE¼ | 4.0 acres |
| Total | 4.0 acres |

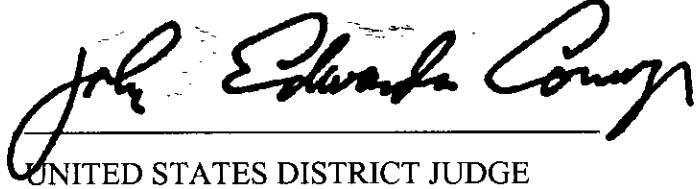
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-003-0006B.

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

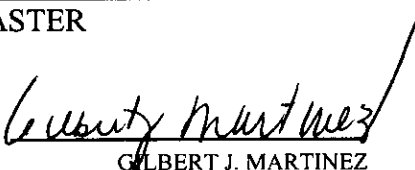
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

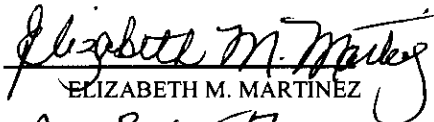

UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER


ACCEPTED: 
GILBERT J. MARTINEZ
ADDRESS: P.O. BOX 157
Ceballos, N. Mex

DATE: 08/17/02

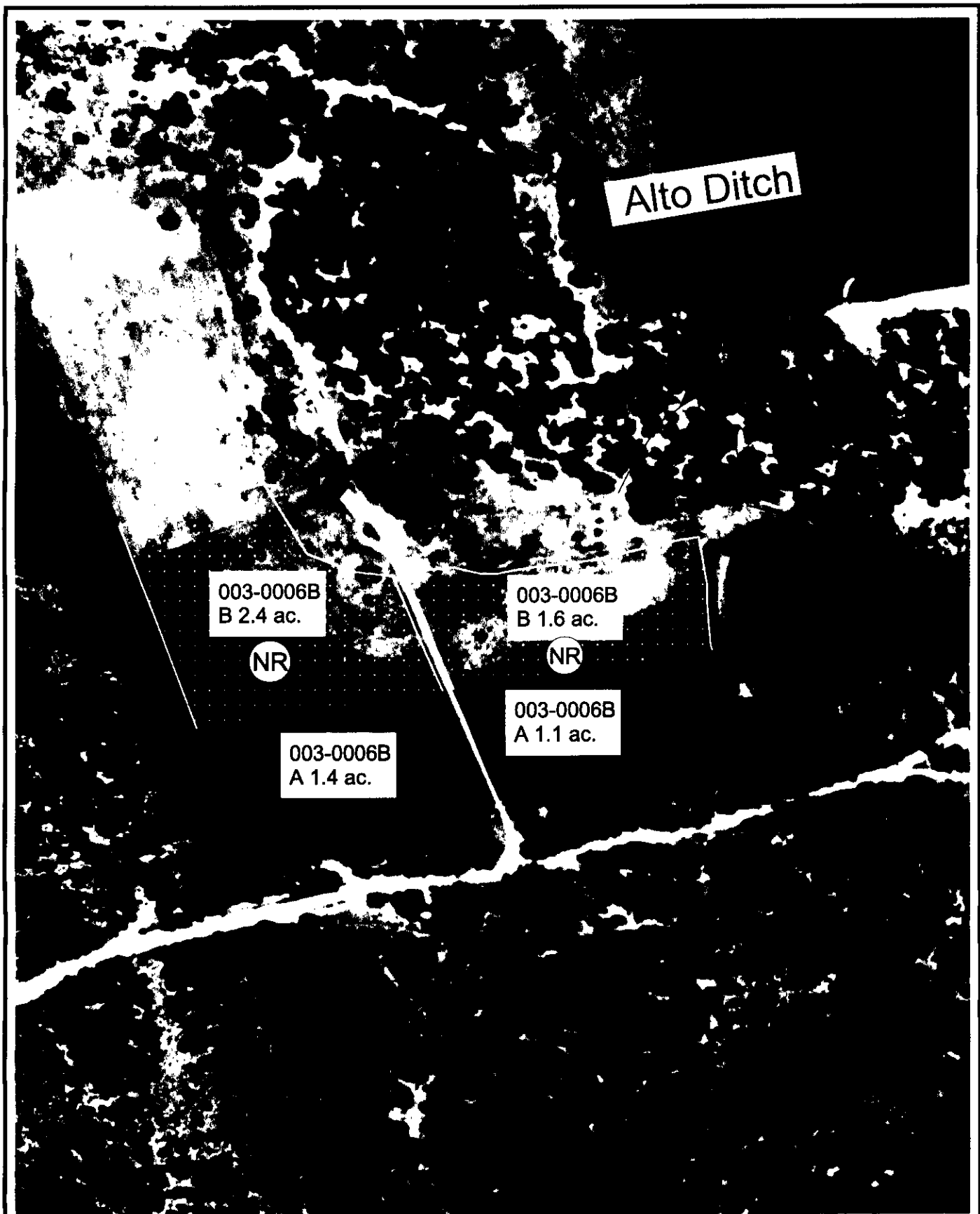
ACCEPTED: 
ELIZABETH M. MARTINEZ


ADDRESS: P.O. Box 157
Ceballos, NM

DATE: 8/17/02


EDWARD G. NEWVILLE
Special Assistant Attorney General

8.26.02
Date



| | | |
|--|---|--|
| <p>Legend</p> <ul style="list-style-type: none"> — Irrigated Tract Boundary - - - No Right Tract Boundary — Operable Ditch - - - Inoperable Ditch ● Stock Pond / Reservoir ○ Point of Diversion ○ No Right ○ Fallow <p style="text-align: center;">Scale 1 inch = 200 feet</p> <p>100 0 100 200 Feet</p> <p style="text-align: right;">N</p> | <p style="text-align: center;">STATE OF NEW MEXICO Office of the State Engineer Thomas C. Turney, State Engineer</p> <hr/> <p style="text-align: center;">Rio Chama Hydrographic Survey RIO CEBOLLA SECTION</p> | <p style="text-align: center;">Subfile Number CHCB-003-0006B Alto Ditch Amended July 23, 2002</p> <div style="text-align: center;">  </div> |
|--|---|--|